

REMARKS

Claims 1-47 are pending in the application. Claims 1-16, 18-22, 24-29, 31-37, 40, 41, 43-45 and 47 stand rejected. Applicants respectfully request to cancel claims 3, 5, 15, 17, 21, 23, 28, and 30. Claims 1, 4, 6, 12, 14, 16, 18, 19, 20, 22, 26, 27, 29, 31, 34, 35, 38, 39, 42, and 46 have been amended.

Applicants express appreciation for the Examiner's indication of allowability of claims 17, 23, 30, 38, 39, 42 and 46 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, independent claims 14, 19, and 26 have been amended to place the claims in condition for allowance. Independent claim 14 has been amended to incorporate the limitations of claims 15 and 17. Independent 19 has been amended to incorporate the limitations of claims 21 and 23. Independent claim 26 has been amended to incorporate the limitations of claims 28 and 30. Dependencies have been changed so that claim 38 now depends from claim 14, claim 42 now depends from claim 19, and claim 46 now depends from claim 26. Claim 39 has been rewritten in independent form and amended to incorporate the limitations of claims 18 and 14.

None of the method claims were allowed because of the rejection of independent claim 1 under 35 U.S.C. § 101. Applicants have amended claim 1 to address the 35 U.S.C. § 101 rejection. In addition, Applicants have identified the method claims with the same limitations as the other types of allowed claims (namely, claims 3 and 5), and have added corresponding limitations to the independent method claim 1. Claim 6 is amended to depend from claim 1. Furthermore, claim 35 has been rewritten in independent form and amended to incorporate the limitations of claims 7 and 1 (as a counterpart to allowable claim 39).

Applicants respectfully submit that these amendments do not affect the scope of coverage of the claims. Applicants respectfully submit that the claims are now in condition for allowance.

Claim Objections

Claims 17, 18, 30 and 31 received objections under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 17 and 30 have been canceled. Claims 18 and 31 have been amended to correct the dependencies in response to this objection. In addition, while not receiving an objection, claims 22 and 29 have also been amended to correct typographical errors in the dependencies.

Rejection of Claims under 35 U.S.C. §101

Claims 1-18, 26-39 and 44-47 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants do not concede that the claims are non-statutory, but to further prosecution, Applicants have addressed this rejection in part by amendment of claims 1 and 26. Applicants traverse the rejection for claims 14-18.

Claims 14-18 are means plus function claims that should be evaluated under 35 U.S.C. 112 paragraph 6, which states that a claim limitation expressed in means-plus-function language “shall be construed to cover the corresponding structure … described in the specification and equivalents thereof.” Applicants respectfully submit that one of skill in the art would understand that the use of a computer is indicated based upon the extensive descriptions of computers performing the claimed functions in the specification. Applicants therefore respectfully submit that claims 14-18 are statutory.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 4, 2005.

Susan M. S. Pagan 11/4/05
Attorney for Applicants Date of Signature

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